

### **REMARKS**

Claims **1-2** have been amended, and claims **86-102** have been added. Claims 4-85 were previously cancelled. Claims **1, 86, 89, 92, 95, 97 and 99** are the only independent claims (seven (7) independent claims).

After entry of this amendment, claims **1-3 and 86-102** will be pending in the application.

No new matter has been added.

### **THE 35 U.S.C. §103 REJECTION**

Claims **1-3** were rejected for being unpatentable over applicant-admitted prior art. In particular, page 3, lines 15-17 of the application was cited as evidence that one skilled in the art at the time of the invention would have known how to make and use a system for establishing a subscription to a periodical as recited by claim **1**. That passage recites:

“Even if a toll-free number is provided for initiating the subscription, the call itself inconveniences the consumer.” (Specification, page 3, lines 15-17)

Although we do not agree with the Examiner’s assessment, independent claim **1** has been amended to expedite the allowance of the application.

In particular, claim **1** has been amended to recite: *a request receiving component configured to receive a request to purchase an issue of a periodical*, and also to include: *a component configured to record a sale of the issue of the periodical by a retailer as an issue of the subscription*. Support for such changes can be found, for example, in the specification at page 7, lines 8-21, page 16, line 23 to page 18, line 7. No new matter has been added.

Claim **1** recites that the request receiving component is configured to receive a request to purchase an issue of the periodical, and includes a component configured to record a sale of the issue by a retailer as an issue of the subscription. We respectfully submit that the telephone center example concerning a conversation with an agent and a caller for buying a periodical is inapposite to the system for establishing a subscription to a periodical as now recited by claim **1**. Accordingly, we respectfully request withdrawal of the obviousness rejection of claim **1**.

In view of the above amendments and remarks, we respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claim **1**. In addition, since claims **2 and 3** depend on claim **1** they should be allowable for at least the same reasons.

**NEW CLAIMS 86-102**

New claims **86-102** have been added. Of these, claims **86, 89, 92, 95, 97 and 99** are independent claims.

New independent claim **86** recites a method that generally pertains to receiving subscription information concerning a subscription to a periodical from a retail subscription system, generating a record that includes the subscription information, determining whether the sale of the subscription included distribution of a single issue of the periodical, and initiating a subscription to the periodical that includes the normal number of subscription issues minus one if a single issue was distributed. New independent claim **89** recites a computer readable medium storing instructions configured to direct a processor to operate in the manner of claim **86**. In addition, independent claim **92** recites an apparatus that includes a processor, a communication device and a data storage device configured to operate in the manner recited by claim **86**. Support for claims **86, 89** and **92** can be found, for example, in the specification on page 20, lines 9-18, and in Fig. 15. No new matter has been added.

New independent claim **95** recites a method that generally pertains to receiving a payment amount and subscription information from a customer at a point of sale terminal, and then processing the subscription by paying a fee to a wholesaler, retaining a percentage of the payment amount, and providing the subscription information and a balance of the payment amount to a retail subscription system. New independent claim **97** recites a computer readable medium storing instructions configured to direct a processor to operate in the manner of claim **95**. In addition, independent claim **99** recites an apparatus that includes a processor, a communication device and a data storage device configured to operate in the manner recited by claim **95**. Support for claims **95, 97** and **99** can be found, for example, in the specification on page 20, line 19 to page 21, line 6, and in Fig. 16. No new matter has been added.

We respectfully submit that independent claims **86, 89, 92, 95, 97 and 99**, and their associated dependent claims **87, 88, 90, 91, 93, 94, 96, 98 and 100-102** are allowable over the cited art.

**AUTHORIZATION TO CHARGE APPROPRIATE FEES**

Applicants hereby petition for a two-month extension of time to respond to the Office Action mailed on August 29, 2006 and authorize the Commissioner to charge Deposit Account No. 50-0271 for the surcharge fee. In addition, please charge our deposit account for the addition of four (4) independent claims in excess of three. We do not believe that any other fees are due, but if a fee should be necessary to continue prosecution of the present application, please also charge any such required fee to our Deposit Account No. 50-0271. In addition, please credit any overpayment to Deposit Account No. 50-0271.

**CONCLUSION**

For the foregoing reasons it is submitted that all of claims **1-3 and 86-102** are in condition for allowance, and the Examiner's early re-examination and reconsideration are respectfully requested.

If there are any questions regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Stephan Filipek at telephone number (203) 461-7252 or via electronic mail at [sfilipek@walkerdigital.com](mailto:sfilipek@walkerdigital.com).

Respectfully submitted,

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